

Sentence Review Division  
301 S. Park, Suite 328  
P.O. Box 203005  
Helena, MT 59620-3005  
Phone: (406) 841-2976  
Email: [shellysmith@mt.gov](mailto:shellysmith@mt.gov)

SENTENCE REVIEW DIVISION  
OF THE SUPREME COURT  
STATE OF MONTANA

AUG 14 2020

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-19-117
	)	
Plaintiff,	)	Powell County District Court
	)	Montana Third Judicial District
-vs-	)	
	)	<b>DECISION</b>
JOSEPH DWAYNE MATT,	)	
	)	
Defendant.	)	

On February 18, 2020, the Defendant was sentenced to a commitment to the Montana Department of Corrections for a term of Three (3) years, for the offense of Count I: Escape, a Felony, in violation of §45-7-306, MCA. The sentence was ordered to run consecutively to any underlying sentence. It was ordered the Defendant shall not associate with Crystal Harris, under §46-18-202(1)(c), MCA, absent prior written approval from the Montana Department of Corrections or his assigned Montana Probation & Parole Officer. No credit for time served was given to the Defendant as he was incarcerated and serving time on an underlying sentence the entire time this case was pending.

On August 6, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video from the Montana State Prison, and was represented by Dan Biddulph, Defense Counsel, who appeared by video from Missoula, Montana. The State was not represented. The Defendant gave a statement.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 6<sup>th</sup> day of August, 2020.

DATED this 14<sup>th</sup> day of August, 2020.

SENTENCE REVIEW DIVISION

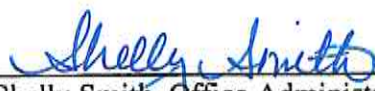
  
\_\_\_\_\_  
Hon. Dan Wilson, Chairperson

  
\_\_\_\_\_  
Hon. Luke Berger, Member

  
\_\_\_\_\_  
Hon. Jessica Fehr, Member

Copies mailed or emailed this 14<sup>th</sup> day of August, 2020, to:

Clerk of District Court – *via email*  
Joseph Dwayne Matt #3007296, Defendant  
Hon. Ray Dayton – *via email*  
Dan Biddulph, Defense Counsel– *via email*  
State Office of the Public Defender – *via email*  
Patrick Moody, Esq. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division